



# Washington State Department of Agriculture News Release

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WASHINGTON STATE DEPARTMENT OF AGRICULTURE

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## **Agriculture Department issues fines and suspensions for pesticide violations**

**OLYMPIA** –During the first quarter of 2004, the state Department of Agriculture (WSDA) issued fines totaling \$6,800 against five individuals and two corporations for violating state pesticide laws and rules. Two individuals had their licenses suspended for a total of 27 days.

Fines ranged from \$250 to \$3,500 for violations that included not following pesticide label directions, allowing pesticide to drift onto a person or property, and selling products not registered with the WSDA.

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms, such as carpenter ants, termites or certain beetles. About 200 allegations of improper distribution or misuse of pesticides, or faulty structural inspections are investigated each year.

To file a complaint involving the misuse of a pesticide, or to find out if a pesticide applicator or structural pest inspector is licensed, call (877) 301-4555.

**Contechem Inc., Portland, Oregon.** WSDA alleged that on at least 15 different occasions Contechem Inc. distributed unregistered bulk mixtures of pesticides into the state that did not meet WSDA's bulk-blended pesticides policy. The matter was resolved when Contechem agreed to pay \$3,500.

**TruGreen Chemlawn, Spokane, and Anthony A. McFadden, a commercial operator.** The insecticide-fungicide fill-hose and the herbicide fill-hose look identical at the TruGreen Chemlawn facility. McFadden accidentally filled part of his tree and shrub spray tank using the herbicide fill-hose. After catching his mistake he felt that the small amount of herbicide that went into the tank would be so diluted that it wouldn't cause any damage to customers' trees and shrubs. WSDA investigated a number of related complaints and alleged that McFadden did damage customers' trees and shrubs with the herbicide contaminated mix. WSDA also alleged that TruGreen Chemlawn should have properly identified their fill-hoses to prevent such accidents from occurring. The matter was resolved when, without an admission of wrongdoing, TruGreen Chemlawn,

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Spokane, agreed to pay \$1,100 and mark their fill-hoses for proper identification. Additionally, McFadden agreed to pay \$650.

**David Z. Rickenbach, Eltopia.** WSDA alleged that Rickenbach killed several dogs running loose by baiting a sheep carcass with a highly toxic pesticide. The matter was resolved when Rickenbach agreed to pay \$300.

**Gary L. Webb, commercial operator for Spokane ProCare, Spokane.** WSDA alleged that Webb's noxious weed control treatment drifted and damaged several ornamental trees. The matter was resolved when Webb agreed to a seven-day license suspension, and to pay \$250.

**Gregory Zacher, a private applicator,** and his father **Ted Zacher, both from Wenatchee.** WSDA alleged that Ted Zacher, while under the direct supervision of Gregory Zacher, applied a restricted-use pesticide that drifted off-target endangering persons from adjacent businesses and residences. WSDA suspended Gregory Zacher's license for 20 days for failing to properly supervise the application. The matter with Ted Zacher was resolved when he agreed to pay \$1,000.

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